

## NOTICE OF PUBLIC HEARING

D.T.E. 02-81

December 23, 2002

Petition of Berkshire Gas Company for Approval of a Gas Purchase Agreement between Berkshire Gas Company and BP Energy Company pursuant to G.L. c. 164, § 94A

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On December 2, 2002, Berkshire Gas Company ("Berkshire" or "Company") filed a petition for approval of a gas purchase agreement between the Company and BP Energy Company ("BP Energy"), pursuant to G.L. c. 164, § 94A. The agreement entitles the Company to a firm gas supply from BP Energy, to be delivered at designated delivery points on the Tennessee Gas Pipeline Company system for a term expiring on March 31, 2004. The Department will review the agreement to insure that it is consistent with the Company's portfolio objectives and compares favorably to the range of alternatives reasonably available to the Company and its customers.

The Department will hold a public hearing to receive comments on the Company's petition. The hearing will take place on Thursday, January 23, 2003, at 11:00 a.m. at the Department's offices, One South Station, 2nd Floor, Boston, Massachusetts 02110. An evidentiary hearing will follow immediately thereafter.

The Company's petition and filing may be inspected at the offices of the Department, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m. A copy of the petition may also be inspected at the offices of the Company at 115 Cheshire Road, Pittsfield, Massachusetts 01201.

Any person who desires to file written comments or to participate otherwise in this proceeding shall submit an original and two (2) copies of such written comments or petition for leave to intervene in the proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, no later than the close of business (5:00 p.m.) on Monday, January 13, 2003, and one copy with the Company's attorney, James M. Avery, Esq., Brown Rudnick Berlack Israels LLP, One Financial Center, Boston, MA 02111, tel. (617) 856-8112.

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All written pleadings, comments, or petitions to intervene must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [Jesse.Reyes@state.ma.us](mailto:Jesse.Reyes@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding, D.T.E. 02-81; (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word, (naming the document with a ".doc" suffix) or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's web site: <http://www.mass.gov/dpu>.

Any person desiring further information regarding this notice may contact: Jesse S. Reyes, Hearing Officer, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, tel. (617) 305-3500.